

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT**

STACI SULLIVAN,)	
)	
PLAINTIFF,)	
)	
V.)	CASE NO: CV2010-494
)	
NELSON, WATSON &)	
ASSOCIATES, LLC)	
)	
DEFENDANT.)	
)	

MOTION TO COMPEL PRODUCTION

COMES NOW, the Defendant, Nelson Watson & Associates (“Nelson Watson”), and respectfully requests this Honorable Court to enter an Order compelling the Plaintiff, Staci Sullivan, to produce supplementary discovery requested by the Defendant. In support of this motion, Nelson Watson shows as follows:

1. On December 17, 2010, the Defendant served Defendant’s First Set of Interrogatories and Defendant’s First Requests for Production on the Plaintiff. The Plaintiff’s responses to this discovery were due on January 17, 2011.
2. On January 20, 2011, the Defendant wrote Plaintiff’s counsel requesting responses to these Interrogatories and Requests for Production.
3. On January 26, 2011, the Plaintiff requested an additional twenty (20) days to respond to Defendant’s discovery requests. Defendant agreed to that request and provided Plaintiff an additional twenty (20) days to respond.

4. On February 18, 2011, twenty-three (23) days later, Defendant again contacted Plaintiff requesting responses no later than February 23, 2011.

5. On February 22, 2011, Plaintiff submitted incomplete discovery responses.

6. On February 25, 2011, Defendant again contacted Plaintiff outlining the exact questions to which complete responses were still outstanding. Plaintiff has not provided complete answers as of this date.

7. The items below are those to which the Defendant has requested, and is entitled to, complete responses from the Plaintiff:

a. #1. Question: Please state your full name, date of birth, present residence address, home phone number, your cell phone number, your Social Security number, and your driver's license number.

Response: Staci Diane Sullivan; May 9, 1969; 6429 Pinehurst Run, Mobile, Alabama 36608. Plaintiff objects to providing full phone numbers and other personal identifiers in this documents [sic]. Plaintiff will provide that information in an agreed-upon manner which assures protection of her personal information. Subject to and without waiver of said objection, Plaintiff states that the last four digits of her Social Security number are 2505.

Deficiency: The Plaintiff's home phone and cell phone numbers are discoverable as they will provide information directly relevant to her claims in this case. Defendant wrote Plaintiff's counsel requesting these phone numbers, which could be provided via letter, rather than filed with the Court, if the Plaintiff is concerned about protecting personal information. Plaintiff is claiming that she and her husband made calls

to the Defendant and phone records are necessary to establish those claims. The numbers and records are directly relevant to Plaintiff's claims and as such should be produced.

b. #2 Question: Please state your husband's full name, date of birth, present residence address, home phone number, cell phone number, Social Security number, and driver's license number.

Response: Stephen Michael Sullivan; April 6, 1967; He does not have a driver's license. Plaintiff objects to submitting his Social Security number on the grounds that request for same is overly broad, not reasonably calculated to lead to the discovery of any admissible evidence and is sought for the sole purpose of harassment.

Deficiency: Mr. Sullivan's home phone and cell phone numbers are discoverable as they will provide information directly relevant to her claims in this case. Defendant wrote Plaintiff's counsel requesting these phone numbers, which could be provided via letter, rather than filed with the Court, if the Plaintiff is concerned about protecting personal information. Plaintiff is claiming that she and her husband made calls to the Defendant and phone records are necessary to establish those claims. The numbers and records are directly relevant to Plaintiff's claims and as such should be produced.

c. #14 Question: Please state the names, addresses, telephone numbers, and dates of examination and treatment of any and all medical doctors, physicians, physical therapists, psychiatrists, psychologists, counselors, practitioners of the healing arts, medical attendants, osteopaths, chiropractors, nurses, technicians, clinicians, hospitals, emergency rooms, or other health or medical care providers, by whatever nature or

designation known, you have seen for examination or treatment for physical or mental injury since November 2009.

Response: Plaintiff objects to this request on grounds that it is unreasonably broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and seeks to invade the privacy of Plaintiff without serving any legitimate purpose in connection with this suit.

Deficiency: In this case, the Plaintiff is making claims for “mental and emotional pain, distress and anguish, humiliation and embarrassment.” Defendant has a right to examine medical records related to these alleged injuries. Without a list of medical providers, it will be impossible to acquire such records. Further, the request is reasonably limited to only those records for treatment since November 2009.

After repeated requests, and Defendant’s voluntary extension of numerous deadlines, Plaintiff has still not provided complete discovery responses.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Nelson Watson, respectfully requests this Honorable Court provide the following relief:

1. Require the Plaintiff to provide complete discovery responses to interrogatories 1, 2, and 14;
2. In the alternative, to dismiss this matter with prejudice for failure to provide discovery; and
3. For any and all other relief to which Defendant is entitled.

Respectfully submitted,

/s/ Neal D. Moore, III

Neal D. Moore, III

Amy E. Blankenship

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CERTIFICATE OF SERVICE

This is to certify that on this the 22nd day of March, 2011, a copy of the forgoing document has been served upon counsel for all parties to this proceeding by the following method:

_____	mailing the same by first-class United States mail, properly addressed and postage pre-paid
_____	hand delivery
_____	via facsimile
<u> X </u>	E-File

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/s/ Neal D. Moore, III
OF COUNSEL